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6 Defendant, pro se

7 UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA  
10  
11 SAN JOSE DIVISION

12 COUPONS, INC., a California corporation, ) Case No.: 5:07-cv-03457-HRL  
13 )  
14 Plaintiff, ) **DECLARATION OF JOHN**  
15 ) **STOTTMIRE IN SUPPORT OF**  
16 ) **DEFENDANTS ADMINISTRATIVE**  
17 ) **MOTION TO EXTEND TIME TO**  
18 ) **ANSWER THE THIRD AMENDED**  
19 ) **COMPLAINT**  
20 )  
21 vs. )  
22 )  
23 JOHN STOTTMIRE )  
24 )  
25 Defendant )  
26 )  
27 ) Courtroom: 2, 5<sup>th</sup> Floor  
28 ) Judge: Hon. Howard R. Lloyd

I, John Stottlemire, hereby declare:

1. I am the Defendant in this action. I state all facts herein of my own first hand knowledge, and if called as a witness, I could and would competently testify thereto.

2. I am a *pro se* litigant and require additional time to file an answer and counter-claims to the third amended complaint.

3. My wife, Anishia Pavithran, is currently employed by Mervyns, LLC ("Mervyns") in its Hayward, CA headquarters.

4. My wife is also 7 months pregnant and is expected to give birth at the end of January 2009 or beginning of February 2009.

5. Mervyns filed Chapter 11 Bankruptcy protection during the month of July 2008.

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1           6.       Three weeks ago, the CEO of Mervyns announced to all employees that Mervyns  
2 would liquidate all assets under Chapter 11 Bankruptcy proceedings and would cease operations  
3 at conclusion of the liquidation.

4           7.       After the CEO's announcement, Mervyns laid-off all but 92 of its employees  
5 located at its corporate office in Hayward, CA. The 92 remaining employees were approved for  
6 continued employment with Mervyns by the Bankruptcy Court and were selected because of  
7 their unique abilities and required presence to assist Mervyns in winding down its operations.

8           8.       My wife was selected to continue employment with Mervyns to assist in winding  
9 down its operations. Her last day of employment will be November 30, 2008.

10          9.       Immediately upon learning of Mervyns' plan to liquidate all assets and cease  
11 operations, my wife began looking for employment.

12          10.      On Friday, November 7, 2008 my wife was offered and accepted employment  
13 from RalphLauren.com and begins her employment on December 1, 2008.

14          11.      To accept employment with RalphLauren.com, our family is required to relocate  
15 to North Carolina.

16          12.      I am a stay-at-home-dad with the primary responsibility of caring for our two  
17 small children, JGS age 3 years 10 months and KAS age 2 years 6 months.

18          13.      During the next three weeks, while my wife is fulfilling her responsibilities  
19 entrusted to her by Mervyns it will be my responsibility to pack our personal belongings, obtain  
20 medical and school records, arrange shipment of our household items, arrange shipment of our  
21 vehicles, and other duties which will ensure a painless and efficient relocation from Fremont, CA  
22 to North Carolina.

23          14.      We expect our household items to be shipped on or before November 28, 2008.  
24 These household items include, but are not limited to, the computer I use to research and prepare  
25 documents related to this immediate action.

26          15.      After arriving in North Carolina our family will be in temporary housing for up to  
27 30 days while we obtain permanent housing. I will begin looking for permanent housing  
28 immediately upon arriving in North Carolina.

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16. While in temporary housing, all of our household items will be held in storage and we will not have access to them.

17. After finding permanent housing, it will be my responsibility to arrange for the delivery of our household goods and to unpack our belongings while caring for our two children, and preparing for the arrival of our third child.

18. I will not have access to my computer or any of the research materials saved on my computer which I will use to prepare an answer to the Third Amended Complaint until after we have secured permanent housing and I have unpacked our belongings.

19. We are hoping to secure permanent housing before Christmas, December 25, 2008; however we are unsure exactly how long it will take.

20. On Sunday, November 9, 2008 I emailed Dennis Cusack, attorney for Coupons, Inc. and explained to him in detail why I was requesting an extension in answering the Third Amended Complaint.

21. On Monday, November 10, 2008 Dennis Cusack replied by email and stated “Coupons is unwilling to agree to an extension to answer the complaint to January 31. We will agree to an extension to December 5. Answering a complaint is not an onerous task, even for a pro se litigant. The case has been pending for 16 months and an additional two month delay does not seem to be fair.”

22. Due to the disruption caused by our relocation and the arrival of our third child I am asking the Court for an extension to January 31, 2009 to file an answer and counter-claims to the Third Amended Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10<sup>th</sup> day of November, 2008 at Fremont, California.

/s/  
\_\_\_\_\_  
John Stottlemire  
Defendant, *pro se*

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